

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
DECEMBER 18, 2014**

Town of Bedford
Bedford Town Hall
Lower Level Conference Room

Mr. Colasante introduced himself and read the emergency evacuation notice. The Zoning Board of Appeals (ZBA) members introduced themselves.

PRESENT: Angelo Colasante, Chair; Carol Amick, Clerk; Jeffrey Dearing; Michelle Puntillo; Arthur Smith; Kay Hamilton

ABSENT: Todd Crowley, Vice Chair; Robert Kalantari

PRESENTATION: Ms. Amick read the notice of the hearing.

PETITION #012-15 – Chris Swift, at 18 Clark Road, seeks a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning Bylaw to construct roof overhang within front yard setback.

Mr. Swift introduced himself and explained that he would like to extend the roof overhang over his garage by two feet. He said that the garage was currently one foot over the front setback line, so this would bring it three feet total into the front yard setback.

Mr. Colasante noted that the property was pre-existing non-conforming due to insufficient lot size and frontage, and this project therefore required a Special Permit. He asked the applicant whether he would have a problem with a condition on the permit stating that the overhang would not be enclosed. Mr. Swift said he would have no problem with such a condition, as he did not plan to enclose it anyway.

Mr. Colasante opened the hearing to the public. With no comments or questions from those in attendance, Mr. Colasante closed the public hearing.

DELIBERATIONS:

Mr. Colasante pointed out that this was a Special Permit request, which meant that the project had to meet two requirements: it was not injurious or detrimental to the neighborhood and was in keeping with the intent of the Bylaw. He said he felt this project met those requirements, with the condition that the overhang not be enclosed. The other members agreed.

MOTION:

Ms. Amick moved to grant Chris Swift, at 18 Clark Road, a Special Permit per Sections

7.1.2 and 7.1.4 of the Zoning Bylaw to construct roof overhang within front yard setback, subject to the condition that the overhang cannot be enclosed.

Mr. Dearing seconded the motion.

Voting in favor: Colasante, Amick, Dearing, Puntillo, and Hamilton

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Mr. Colasante explained that the Board had 14 days to write a decision, after which time there was a 20-day appeal period. The applicant was then responsible for getting the decision recorded at the Registry of Deeds. Once the decision was recorded, barring any appeals, the applicant may apply for a Building Permit at the Code Enforcement Department.

PRESENTATION: Ms. Amick read the notice of the hearing.

PETITION #014-15 – Aspen Technology, Inc., at 20 Crosby Drive, seeks a Special Permit per Article 39.4 Section 5(A) of the Sign Bylaw to increase wall sign and to allow sign to be placed higher than first floor of building, and seeks relief from Article 39.4 Section 5(A)(2) to allow oversized character.

Andrew Sutton, of Riemer & Braunstein, LLP, introduced himself and stated that he was present on behalf of Aspen Technology, Inc., for the building at 20 Crosby Drive. He explained that Aspen Technology was requesting a Special Permit to install a wall sign located above the first floor and another Special Permit to allow an increase in front wall area to 20%; he said that the calculated front wall area was approximately 1,700 square feet, and 20% of that area was 340 square feet.

There was conversation about the dimensions and aesthetics of the sign and the circular logo. Ms. Puntillo asked how the signage placement was decided. Mr. Sutton replied that the engineers had moved a sample letter over various places on the building and came to a consensus of the best location.

Mr. Colasante asked about sign illumination. Mr. Sutton said that the proposed sign is not illuminated; there were LED lights inside the building that shine onto it so there was no need to illuminate the sign itself. There was extensive discussion about the sign lighting. Mr. Colasante asked the applicant whether he would be comfortable with a condition stating that the sign shall not be illuminated. Mr. Sutton said he would not be comfortable with such a condition, since illumination was not proposed as part of the application; he would rather leave it open-ended so that if the company wanted the sign illuminated, it would apply for a new Special Permit in the future.

Mr. Colasante opened the hearing to the public. With no comments or questions from those in attendance, Mr. Colasante closed the public hearing.

DELIBERATIONS:

Mr. Colasante said that the proposed signage required a Special Permit, which meant that the sign could not be injurious or detrimental to the neighborhood and had to be in keeping with the intent of the Bylaw. He said he felt the sign met those requirements. Mr. Dearing agreed. Mr. Smith said he felt the sign design was quite attractive and he felt comfortable voting in favor of it. Ms. Amick said she was not sure that allowing the increase in wall area for the circular logo was within the Board's purview. The Board members talked about what the ZBA could or could not allow under the Sign Bylaw. After further discussion, Mr. Colasante called for a motion.

MOTION:

Ms. Amick moved to grant Aspen Technology, Inc., at 20 Crosby Drive, a Special Permit per Article 39.4 Section 5(A) of the Sign Bylaw to allow oversized wall sign and to allow sign to be placed higher than first floor of building, and per Article 39.4 Section 5(A)(2) to allow oversized character.

Mr. Dearing seconded the motion.

Voting in favor: Colasante, Dearing, Puntillo, and Hamilton

Voting against: Amick

Abstained: None

The motion carried, 4-1-0.

Mr. Colasante explained that the Board had 14 days to write a decision, after which time there was a 20-day appeal period. The applicant was then responsible for getting the decision recorded at the Registry of Deeds. Once the decision was recorded, barring any appeals, the applicant may apply for a Building Permit at the Code Enforcement Department.

PRESENTATION: Ms. Amick read the notice of the hearing.

PETITION #013-15 – Michael McSorley, at 236 Carlisle Road, seeks a Special Permit per Section 7.2.3.1 of the Zoning Bylaw to construct addition within the floodplain.

Michael McSorley introduced himself and explained that he and his wife had a child and were expecting another, so they needed more space; they liked the house and the neighborhood and did not want to move, and therefore were proposing a second floor addition along with a new garage. He said that the property was entirely within the floodplain, which is why they needed a Special Permit. He noted that they were also going through the permitting process with the Conservation Commission (Con/Com).

There was discussion about the location of the garage addition on the lot and how it related to the flood plain and drainage patterns.

The Board talked with Mr. McSorley about construction and landscaping details that would allow for flood storage compensation.

Mr. Colasante said he felt uncomfortable voting on any application related to the floodplain without first hearing Con/Com's thoughts on the matter; he said he would prefer get their approval before considering this. The other members agreed.

MOTION:

Ms. Amick moved to continue Michael McSorley, at 236 Carlisle Road, seeking a Special Permit per Section 7.2.3.1 of the Zoning Bylaw to construct addition within the floodplain to January 22, 2015 at 7:30 PM.

Mr. Dearing seconded the motion.

Voting in favor: Colasante, Amick, Dearing, Puntillo, and Hamilton

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

PRESENTATION: Ms. Amick read the notice of the hearing.

PETITION #015-15 – Pamela Brown, Esq., for 4 Highland Avenue, seeks a Variance from Table II: Dimensional Regulations and from Section 14.7 of the Zoning Bylaw to construct addition within front yard setback.

Ms. Brown greeted the Board and introduced Andrea and Danta Dacayanan, who were interested in building an addition to accommodate their growing family. She said they were requesting the addition to be built within the front yard setback because the rest of the lot was too close to wetlands. She said this project would require a Variance, which she felt could easily be supported due to the shape and topography of the lot.

Mr. Colasante asked whether this project had been before the Conservation Commission (Con/Com). Ms. Brown said it had, and it had been continued to the next Con Com meeting.

There was extensive discussion about the dimensions, topography, and shape of the lot in relation to the house and addition.

Mr. Colasante said that he worried about granting a Variance on a fully conforming lot, as it seemed to set a bad precedent. After further discussion, he suggested that the Board continue this meeting until Con/Com has made its official ruling.

MOTION:

Ms. Amick moved to continue Pamela Brown, Esq., for 4 Highland Avenue, seeking a Variance from Table II: Dimensional Regulations and from Section 14.7 of the Zoning Bylaw to construct addition within front yard setback to February 12, 2015 at 7:30 PM.

Mr. Dearing seconded the motion.

Voting in favor: Colasante, Amick, Dearing, Puntillo, and Hamilton

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

PRESENTATION: Ms. Amick read the notice of the hearing.

PETITION #016-15 – Pamela Brown, Esq., for 120 Great Road, seeks a Special Use Permit per Table I: Use Regulations and per Section 4.5.7 of the Zoning Bylaw to construct new restaurant.

Ms. Brown greeted the Board and stated that, although she filed this as a formal application, she did not expect any vote to be taken tonight and instead wanted to conduct this as an informal business session, just to get feedback from the Boars and abutters. She said that she and her brothers had purchased this parcel at 120 Great Road, which was directly adjacent to the Domine Manse, where the Brown & Brown office was located, at 110 Great Road. She said that they sought the Board's approval of the use only for a 5,000 square foot restaurant – sit down with take out – at the site. She stated that their hope was to use the adjacent property at 110 Great Road for shared parking and circulation patterns.

There was general discussion about the site, the proposed restaurant, and concerns about shielding noise and light from abutters. Mr. Colasante said it was clear that the Board would need some more information before making any kind of decision, and he said he looked forward to talking more with Ms. Brown about it at a future meeting.

MOTION:

Ms. Amick moved to continue Pamela Brown, Esq., for 120 Great Road, seeking a Special Use Permit per Table I: Use Regulations and per Section 4.5.7 of the Zoning Bylaw to construct new restaurant, to January 22, 2015 at 7:30 PM.

Ms. Puntillo seconded the motion.

Voting in favor: Colasante, Amick, Dearing, Puntillo, and Hamilton

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Adjournment

MOTION:

Ms. Amick moved to adjourn the meeting.

Mr. Dearing seconded the motion.

Voting in favor: Colasante, Amick, Dearing, Puntillo, Hamilton, and Kalantari

Voting against: None

Abstained: None

The motion carried unanimously, 6-0-0.

The meeting adjourned at 10:40 PM.

Angelo Colasante, Chair Date

Respectfully Submitted,

Scott Gould
ZBA Assistant